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Kazakhstan: Blogger threatened with forced placement in a psychiatric hospital

Aigul Utepova is an outspoken Kazakhstani blogger and journalist who has criticized the government and the opposition in her social media posts. She has been under house arrest in Nursultan, the capital of Kazakhstan, since 17 September arbitrarily accused of “participating in an extremist organization”. On 16 November, the house arrest was extended until 17 December. Furthermore, on 11 November police investigators asked for a judge’s order to forcibly place her in a psychiatric hospital for “for observation”. Her lawyer fears that this puts her at risk of being arbitrarily diagnosed with a mental health condition and forcibly treated for a prolonged period of time. The judge’s order has not been made available yet to her lawyer, and the exact reasons for the order are unknown. According to Kazakhstani law such a measure may be imposed for suspects accused of crimes that carry life imprisonment or the death penalty, or in cases where the suspect’s sanity is in doubt. Aigul Utepova has never been treated for a mental health condition, and her lawyer affirms that she has no such condition. Her daughter, Togzhan Tuzel, worries that she will be put under pressure while in the hospital to testify against herself:

“The lawyer says that Mum shouldn’t give any testimony in his absence when she is in the hospital. But if they give her tranquillizers, where are the guarantees that she will be able to stay strong, that she won’t sign documents and will continue to insist on having her lawyer present?”

This case is alarmingly reminiscent of the way psychiatry was used in the 1960s and 1970s in the USSR to imprison dissidents. The legacy of Soviet psychiatry continues to be felt across the region, and Amnesty International has intervened in a number of instances in Eastern Europe and Central Asia where people who criticize the regime or denounce injustice continue to be arbitrarily subjected to psychiatric diagnosis, forced hospitalization and involuntary treatment in psychiatric hospitals, including very recently in Kazakhstan, Russia and in Azerbaijan. Indeed, psychiatrists in Kazakhstan interviewed in 2018 for an Amnesty International report on mental disability acknowledged that the country has not fully overcome the legacy of punitive psychiatry.

Aigul Utepova should never have been placed under house arrest and according to her lawyer there are no grounds in Kazakhstani law to do so. Under Kazakhstani law, house arrest should be used only in cases where the maximum sentence is five years or more and only if there are substantive reasons why lesser restrictive measures cannot be applied. Aigul Utepova’s house arrest is disproportionate and appears to be a form of reprisal for her outspoken criticism. Amnesty International believes that Aigul Utepova is a prisoner of conscience who is being prosecuted solely for the peaceful expression of her views and she should be released immediately and unconditionally.

Background

Aigul Utepova is a well-known blogger and activist and has 8,000 followers on Facebook and a large following for her YouTube channel. In 2015 she put herself forward as a candidate in the presidential elections, but later withdrew. She is accused of being a follower of the Democratic Choice of Kazakhstan opposition party. On 13 March 2018, the party was arbitrarily declared to be an “extremist” organization for “inciting national discord” in accordance with vaguely worded anti-extremism legislation.